

FILED

TIMOTHY P. JOHNSON (BAR No. 66333)  
LAW OFFICES OF TIMOTHY P. JOHNSON  
1970 OLD TUSTIN AVENUE, SECOND FLOOR  
SANTA ANA, CALIFORNIA 92705  
TELEPHONE: (714) 832-1170  
FACSIMILE: (714) 832-1179  
E-MAIL: tjohnson@johnson-chambers.com

2012 DEC -5 AM 11:51

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: \_\_\_\_\_

Attorneys for Defendant Genpact Services, LLC

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**ED CV 12 - 02139**

**VAP  
(DTBx)**

NATHANIEL DAVIS,

Case No.

Plaintiff

vs.

**NOTICE OF REMOVAL**

GENPACT SERVICES LLC,

Defendant.

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Genpact Services, LLC hereby removes to this Court the state court action described below:

1. On September 10, 2012, a Complaint was filed against Defendant Genpact Services, LLC by Plaintiff Nathaniel Davis in an action pending in the Superior Court of the State of California in and for the County of Riverside, entitled, *Davis v. Genpact Services, LLC*, Case No. RIC 1213917. A copy of the state court Complaint ("Complaint") served on Defendant Genpact Services, LLC in the state

1 court action is attached hereto as Exhibit 1.

2           2. On October 9, 2012, a First Amended Complaint was filed against  
3 Defendant Genpact Services, LLC by Plaintiff Nathaniel Davis in an action pending  
4 in the Superior Court of the State of California in and for the County of Riverside,  
5 entitled, *Davis v. Genpact Services, LLC*, Case No. RIC 1213917. A copy of the  
6 state court First Amended Complaint ("FAC") served on Defendant Genpact  
7 Services, LLC in the state court action is attached hereto as Exhibit 2.

8           3. This removal petition is timely under 28 U.S.C. §1446(b) because  
9 removing Genpact Services, LLC was served with the Complaint and the FAC on  
10 November 9, 2012.

### 11 JURISDICTION

12           4. This action is a civil action of which this Court has original  
13 jurisdiction under 28 U.S.C. §1331 and that may be removed to this Court by  
14 Defendant Genpact Services, LLC pursuant to the provisions of 28 U.S.C. § 1441(b)  
15 in that the complaint seeks damages based upon violations of the Fair Debt Collection  
16 Practices Act, 15 U.S.C. §§1692 et seq.

### 17 VENUE

18           5. The complaint was filed in the Superior Court of the State of  
19 California, County of Riverside. Therefore, venue in the Eastern Division of the  
20 Central District is proper. 28 U.S.C. §1441 (providing for removal "to the district  
21 court of the United States for the district and division embracing the place" where the  
22 state court action is pending).

23  
24 Dated: November 28, 2012

LAW OFFICES OF TIMOTHY P. JOHNSON

25  
26 By: 

27 TIMOTHY P. JOHNSON

28 Attorneys for Defendant  
Genpact Services, LLC

EXHIBIT "1"

1 Todd M. Friedman SBN (216752)  
2 Law Offices of Todd M. Friedman  
3 8730 Wilshire Blvd, Suite 411  
4 Beverly Hills, CA 90211  
5 Phone: 800-219-3577  
6 Fax: 866-633-0228  
7 pmankin@toddflaw.com  
8 Attorney for Plaintiff

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

SEP 10 2012

A. VILLEGAS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE  
LIMITED JURISDICTION

NATHANIEL DAVIS,

Plaintiff,

vs.

GENFACT SERVICES LLC  
Defendant.

) Case No. 1213917

) COMPLAINT FOR VIOLATION  
) OF ROSENTHAL FAIR DEBT  
) COLLECTION PRACTICES ACT AND  
) FEDERAL FAIR DEBT COLLECTION  
) PRACTICES ACT

) (Amount not to exceed \$10,000)

- ) 1. Violation of Rosenthal Fair Debt  
) Collection Practices Act  
) 2. Violation of Fair Debt Collection  
) Practices Act

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. PARTIES

Complaint - I

2. Plaintiff, NATHANIEL DAVIS ("Plaintiff"), is a natural person residing in Riverside County in the State of California, and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal Civ Code §1788.2(h).

3. At all relevant times herein, Defendant, GENPACT SERVICES LLC ("Defendant Asset") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant Asset regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

### III. FACTUAL ALLEGATIONS

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

5. On or about February, 2012, Plaintiff began receiving calls from Defendant. Defendant, called from telephone number (513) 698-2433 in attempt to collect an alleged outstanding debt.

6. On average, Plaintiff received more than two collections calls from Defendant every day in connection with an attempt to collect an alleged outstanding debt.

7. On average, Plaintiff received more than ten collections calls from Defendant every week in connection with an attempt to collect an alleged outstanding debt.

8. On average, Plaintiff received more than twenty collections calls from Defendant every month in connection with an attempt to collect an alleged outstanding debt.

1           9.    On at least one occasion, Defendant said or implied that non-payment of the  
2           alleged outstanding debt would result in legal actions against Plaintiff.

3           10.   On at least one occasion Defendant said to Plaintiff if he did not make a  
4           payment they will take Plaintiff to court and it will affect his credit.  
5

6           11.   On at least one occasion Plaintiff tried explain to Defendant he was going  
7           through financial hardships and was not able to pay. At which time Defendant said "you better  
8           come up with the money, if not we will continue to call until we get the money".  
9

10          12.   On several occasions Plaintiff asked Defendant to please stop calling however,  
11          Defendant ignored Plaintiff request and continuously called up four times in a day with two  
12          hours intervals.

13          13.   Defendant contacted Plaintiff with such frequency as to annoy and harass  
14          Plaintiff.

15          14.   Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways,  
16          including but not limited to:  
17

18               Falsely representing or implying that nonpayment of Plaintiff's debt would result in  
19               the seizure, garnishment, attachment, or sale of Plaintiff's property or wages, where  
20               such action is not lawful or Defendant did not intend to take such action (§ 1692c(4));

21               Threatening to take an action against Plaintiff that cannot be legally taken or that  
22               was not actually intended to be taken, including threatening... (§ 1692c(5))

23               Falsely representing the character, amount, or legal status of Plaintiff's debt,  
24               including... (§ 1692c(2)(A));

25               Communicating or threatening to communicate credit information which is known  
26               or which should be known to be false, including... (§ 1692c(8)

27               Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal Civ  
28               Code § 1788.11(d));

1 Communicating, by telephone or in person, with Plaintiff with such frequency as to  
2 be unreasonable and to constitute an harassment to Plaintiff under the circumstances  
(Cal Civ Code § 1788.11(c));

3  
4 Causing Plaintiff's telephone to ring repeatedly or continuously with intent to harass,  
annoy or abuse Plaintiff (§ 1692d(5)); and

5  
6 Communicating with Plaintiff at times or places which were known or should have  
been known to be inconvenient for Plaintiff, (§ 1692c(a))

7 15. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff  
8 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
9 embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for  
10 Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

11  
12 **COUNT I: VIOLATION OF ROSENTHAL**  
13 **FAIR DEBT COLLECTION PRACTICES ACT**

14 16. Plaintiff reincorporates by reference all of the preceding paragraphs.

15 17. To the extent that Defendant's actions, counted above, violated the RFDCPA,  
16 those actions were done knowingly and willfully

17 **PRAYER FOR RELIEF**

18  
19 WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant  
20 for the following:

- 21 A. Declaratory judgment that Defendant's conduct violated the RFDCPA;  
22 B. Actual damages;  
23 C. Statutory damages for willful and negligent violations;  
24 D. Costs and reasonable attorney's fees,  
25 E. For such other and further relief as may be just and proper.

26  
27 **COUNT II: VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT**

28 18. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 23<sup>rd</sup> day of August, 2012.

By:

Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff



OCT 09 2012

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- ☐ BANNING 135 N. Alessandro Rd., Banning, CA 92220  
☐ BLYTHE 265 N. Broadway, Blythe, CA 92225  
☐ HEMET 580 N. State St., Hemet, CA 92343  
☐ INDIO 46-200 Oasis St., Indio, CA 92201

- ☐ MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553  
☐ MURRIETA 30755-David Rd., Suite 1226, Murrieta, CA 92563  
☒ RIVERSIDE 4050 Main St., Riverside, CA 92501  
☐ TEMECULA 41002 County Center Dr., Ste. 100, Temecula, CA 92591

RI-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) Todd M. Friedman (SBN 216752) Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr., #416 Beverly Hills, CA 90211 TELEPHONE NO: 877-208-4741 FAX NO. (Optional): 8666330228 E-MAIL ADDRESS (Optional): tfriedman@attorneysforconsumers.com ATTORNEY FOR (Name): Plaintiff, NATHANIEL DAVIS		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE  OCT 09 2012  D. BARRAZA
PLAINTIFF/PETITIONER: NATHANIEL DAVIS  DEFENDANT/RESPONDENT: GENPACT SERVICES LLC		
CASE NUMBER: RIC 1213917		
CERTIFICATE OF COUNSEL		

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- ☒ The action arose in the zip code of: 92879
- ☐ The action concerns real property located in the zip code of: \_\_\_\_\_
- ☐ The Defendant resides in the zip code of: \_\_\_\_\_

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at [www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov).

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 10/04/12

Todd M. Friedman

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY MAKING DECLARATION)

  
 (SIGNATURE)

MRG  
 OCT 17 2012

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Todd M. Friedman SBN (216732) Law Offices Of Todd M. Friedman Esq., 369 S. Doheny Drive # 415 Beverly Hills, CA 90211 TELEPHONE NO (877)206-4741 FAX NO (866)633-0228 ATTORNEY FOR (Name) Plaintiff, Nathaniel Davis		CM-010  FOR COURT USE ONLY							
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS 4050 Main Street MAILING ADDRESS CITY AND ZIP CODE Riverside, Ca, 92501 BRANCH NAME									
CASE NAME: Nathaniel Davis v. Genpact Services LLC									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">CIVIL CASE COVER SHEET</td> <td style="text-align: center;">Complex Case Designation</td> <td style="text-align: center;">CASE NUMBER</td> </tr> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)           </td> <td style="width: 33%; vertical-align: top;"> <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)           </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder            Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)         </td> <td style="width: 33%; vertical-align: top;">           11C 1213917            JUDGE            DEPT         </td> </tr> </table>			CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER	<input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER						
<input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	11C 1213917 JUDGE DEPT						

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) <b>Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <b>Non-PIP/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Detention (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PIP/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-515.)

Date: 08/23/2012

Todd M. Friedman Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 at seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

 Form Approved for Mandatory Use  
 Judicial Council of California  
 CM-010 Rev July 1, 2007

## CIVIL CASE COVER SHEET

 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740  
 Cal. Standards of Judicial Administration, sig. 3.10  
 www.courtinfo.ca.gov

EXHIBIT "2"

1 Todd M. Friedman (216752)  
2 Law Offices of Todd M. Friedman, P.C.  
3 369 S. Doheny Dr. #415  
4 Beverly Hills, CA 90211  
5 Phone: 877-206-4741  
6 Fax: 866-633-0228  
7 tfriedman@attorneysforeconsumers.com  
8 Attorney for Plaintiff

OCT 09 2012  
**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

OCT 09 2012

D. BARRAZA

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE  
LIMITED JURISDICTION

NATHANIEL DAVIS,

Plaintiff,

vs.

GENPACT SERVICES LLC,

Defendant.

) Case No. RIC 1213917  
)  
) FIRST AMENDED COMPLAINT FOR  
) VIOLATION  
) OF ROSENTHAL FAIR DEBT  
) COLLECTION PRACTICES ACT AND  
) FEDERAL FAIR DEBT COLLECTION  
) PRACTICES ACT  
)  
) (Amount not to exceed \$10,000)  
)  
) 1. Violation of Rosenthal Fair Debt  
) Collection Practices Act  
) 2. Violation of Fair Debt Collection  
) Practices Act

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

## II. PARTIES

2. Plaintiff, Nathaniel Davis ("Plaintiff"), is a natural person residing in RIVERSIDE county in the state of California, and is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal Civ Code §1788.2(h).

3. At all relevant times herein, Defendant, Genpact Services LLC, ("Defendant Asset") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant Asset regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

## III. FACTUAL ALLEGATIONS

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

5. On or about February, 2012, Plaintiff began receiving calls from Defendant. Defendant called from telephone number (513) 698-2433 in an attempt to collect an alleged outstanding debt.

6. On Overage, Plaintiff received more than two collections calls from Defendant every day in connection with an attempt to collect an alleged outstanding debt.

7. On average, Plaintiff received more than ten collection calls from Defendant every week in connection with an attempt to collect an alleged outstanding debt.

8. On average, Plaintiff received more than twenty collection calls from Defendant every month in connection with an attempt to collect an alleged outstanding debt.

1           9.     On at least one occasion, Defendant said or implied that non-payment of the  
2 alleged outstanding debt would result in legal actions against Plaintiff.

3           10.    On at least one occasion Defendant stated to Plaintiff, if he did not make a  
4 payment they will take Plaintiff to court and it will affect his credit.  
5

6           11.    On at least one occasion Plaintiff tried explain to Defendant he was going  
7 through financial hardships and was not able to pay. At which time Defendant said "you better  
8 come up with the money, if not we will continue to call until we get the money."  
9

10          12.    On several occasions, Plaintiff asked Defendant to please stop calling. However,  
11 Defendant ignored Plaintiff's request and continuously called four times in a day with two hour  
12 intervals.

13          13.    Defendant contacted Plaintiff with such frequency as to annoy and harass  
14 Plaintiff.

15          14.    Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways,  
16 including but not limited to:  
17

- 18           a) Falsely representing or implying that nonpayment of Plaintiff's  
19 debt would result in the seizure, garnishment, attachment, or sale  
20 of Plaintiff's property or wages, where such action is not lawful  
or Defendant did not intend to take such action (§ 1692e(4));
- 21           b) Threatening to take an action against Plaintiff that cannot be  
22 legally taken or that was not actually intended to be taken,  
23 including threatening... (§ 1692e(5));
- 24           c) Falsely representing the character, amount, or legal status of  
25 Plaintiff's debt, including... (§ 1692e(2)(A));
- 26           d) Communicating or threatening to communicate credit  
27 information which is known or which should be known to be  
28 false, including... (§ 1692e(8));

- e) Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal Civ Code § 1788.11(d));
- f) Communicating, by telephone or in person, with Plaintiff with such frequency as to be unreasonable and to constitute an harassment to Plaintiff under the circumstances (Cal Civ Code § 1788.11(e));
- g) Causing Plaintiff's telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§ 1692d(5));
- h) Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff, (§ 1692c(a)).

15. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

**COUNT I: VIOLATION OF ROSENTHAL  
FAIR DEBT COLLECTION PRACTICES ACT**

16. Plaintiff reincorporates by reference all of the preceding paragraphs.

17. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

18. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages;
- C. Costs and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this 01 day of October, 2012.

By:

Todd M. Friedman, Esq.  
Law Offices of Todd M. Friedman, P.C.  
Attorney for Plaintiff



OCT 09 2012

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- ☐ BANNING 135 N. Alessandro Rd., Banning, CA 92220  
☐ BLYTHE 265 N. Broadway, Blythe, CA 92225  
☐ HEMET 880 N. State St., Hemet, CA 92343  
☐ INDIO 46-200 Oasis St., Indio, CA 92201

- ☐ MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553  
☐ MURRIETA 30755-D Auld Rd., Suite 1228, Murrieta, CA 92583  
☒ RIVERSIDE 4050 Main St., Riverside, CA 92501  
☐ TEMECULA 41002 County Center Dr., Ste. 100, Temecula, CA 92591

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) Todd M. Friedman (SBN 216752) Law Offices of Todd M. Friedman, P.C. 369 S. Doheny Dr., #415 Beverly Hills, CA 90211 TELEPHONE NO: 877-206-4741 FAX NO. (Optional): 8666330228 E-MAIL ADDRESS (Optional): tfriedman@attorneysforconsumers.com ATTORNEY FOR (Name): Plaintiff, NATHANIEL DAVIS		RI-030 FOR COURT USE ONLY <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE OCT 09 2012 D. BARRAZA
PLAINTIFF/PETITIONER: NATHANIEL DAVIS DEFENDANT/RESPONDENT: GENPACT SERVICES LLC		CASE NUMBER: RIC 1213917
CERTIFICATE OF COUNSEL		

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- ☒ The action arose in the zip code of: 92879
- ☐ The action concerns real property located in the zip code of: \_\_\_\_\_
- ☐ The Defendant resides in the zip code of: \_\_\_\_\_

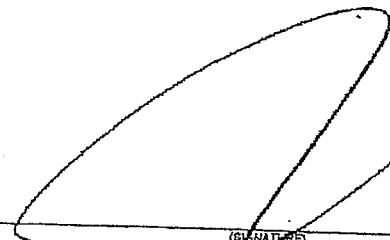
For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at [www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov).

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 10/04/12

Todd M. Friedman

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY MAKING DECLARATION)

  
 (SIGNATURE)

REC  
 OCT 17 2012

*Davis v. Genpact Services, LLC*  
USDC, Case No.

**CERTIFICATE OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 1970 Old Tustin Avenue, Second Floor, Santa Ana, California 92705.

On November 28, 2012, I served a true copy of the **NOTICE OF REMOVAL** on all interested parties in this action by:

☐ By personally delivering it to the person(s) indicated below in the manner as provided in FRCP 5(B);

☒ By depositing it in the United States mail in a sealed envelope with the postage thereon fully prepaid to the following:

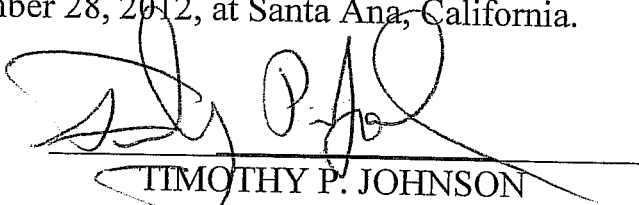
Todd M. Friedman, Esq.  
LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
369 S. Doheny Drive, #415  
Beverly Hills, CA 90211

☐ By overnight delivery using an envelope or package provided by the overnight service carrier and addressed to the following:

☐ By ECF: On this date, I electronically filed the document(s) with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to the following:

I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

**EXECUTED** on November 28, 2012, at Santa Ana, California.

  
TIMOTHY P. JOHNSON

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

**EDCV12- 2139 VAP (DTBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☒ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Nathaniel Davis	<b>DEFENDANTS</b> Genpact Services, LLC
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Todd M. Friedman, SBN 216752 800-219-3577 LAW OFFICES OF TODD M. FRIEDMAN 8730 Wilshire Boulevard, Suite 411, Beverly Hills, CA 90211	Attorneys (If Known) Timothy P. Johnson SBN 66333 LAW OFFICES OF TIMOTHY P. JOHNSON 1970 Old Tustin Avenue, Second Floor, Santa Ana, CA 92705 714-832-1170

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

<b>IV. ORIGIN</b> (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input type="checkbox"/> No     MONEY DEMANDED IN COMPLAINT: \$

<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Fair Debt Collection Practices Act 15 USC 1692 et seq.
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<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)
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<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related <input type="checkbox"/> 625 Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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ED CV 12 - 02139

VAP (DTBx)

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	New York

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**  Date December 3, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))